

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No. 2815 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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HARGOVANBHAI RAMABHAI JOSHI

Versus

ABAVAN SHIVRAM JOSHI

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Appearance:

MR PM VYAS for Petitioner

MR VIJAY H PATEL for Respondent No. 1

PUBLIC PROSECUTOR for Respondent No. 3

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CORAM : MR.JUSTICE S.M.SONI

Date of decision: 26/07/96

ORAL JUDGEMENT

In view of the averments made in the memo of application, to quote - "they are so much powerful that they may commit any offence and the life of the present petitioner is in danger alongwith her family members and due to their fear, the petitioner is not in a position to live in the field well". It is further averred, to quote - "due to the inquiry, Ambaram Shivaram Joshi threatened him to go away and out of the fear, he went home." The

petitioner submitted that accused are threatening him to not to interfere in this case and thus this Hon'ble Court may be please to cancel the bail.

Rule came to be issued. In the course of arguments, petitioner has relied upon affidavit of one Jivram Mavjibhai Joshi and Karsanbhai Bhavanishanker. In the affidavit of Jivram Mavjibhai Joshi, which is of 3rd July, 1996 it appears that the said Shriram Ambaram Joshi and Ambaram Shivram Joshi had conveyed a message to settle the matter and withdraw the same. This Jivram Mavjibhai Joshi was threatened that why did he complained to the DSP on 15-6-1996. Another Affidavit of Karsanbhai Bhavanishanker Joshi states that Shrirambhai Ambaram and Ambaram Shivram had conveyed a threat through him to Hargovandas to withdraw the case. These are the two affidavits which are sworn in on 3rd July, 1996 and whereas the petition is filed on 1st July, 1996. There is no reference of any allegations made in this petition and affidavit itself. In view of these facts, and more particularly when the learned Judge, while granting bail has observed that the learned APP has not been able to point out any role assigned to Applicants No. 1 & 2 ie., (Shriram Ambaram and Ambaram Shivram), except allegations in the FIR, which might have compelled the deceased to commit suicide and some other vague allegations. However, it is admitted position that the applicants are not residing in the same house.

Keeping this in mind, I am of the opinion that there is no reason to cancel the bail inasmuch as no case for cancellation is made out. Hence, this application is rejected. Rule discharged.

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